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20 JAN 1972

MEMORANDUM FOR: Mrs. Jeanne W. Davis  
Staff Secretary  
National Security Council

SUBJECT : Security Classification Procedures:  
Draft Revision of Executive Order  
10501--NSSM 113

1. The final draft of a proposed revision of Executive Order 10501 forwarded by your covering memorandum of 11 January 1972 has been reviewed. The following comments are submitted:

- a. The Order could be shortened by deleting the list of thirty-nine departments and agencies in Section 2(c), pages 4A and B, excepting only ACTION and the Tennessee Valley Authority. Assuming that the heads of ACTION and the Tennessee Valley Authority are meant to possess authority for classification of "Confidential" only, Section 2(f)(2) would be deleted and Section 2(f)(3) would be changed to read "officials designated in writing by a superior in the same vertical chain of command or supervision who has 'Top Secret' or 'Secret' classification authority."
- b. In the production of finished intelligence items, such as the President's Daily Brief and the Central Intelligence Bulletin, there is no practical way to break out various classifications of a particular article because the variety

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of sources are woven together into the whole. The requirement set forth in Section 2(g) would significantly increase the time required to both produce current intelligence and report intelligence information and decrease the readability of the product. We, therefore, recommend that Section 2(g), page 6, commence with the phrase "To the extent practicable."

- c. Section 2(h), pages 6 and 7, is unworkable within the Central Intelligence Agency in that its provisions would violate the "need-to-know" principle and the statutory responsibility of the Director of Central Intelligence to protect intelligence sources and methods. Individuals who have a "need-to-know" for the contents of intelligence documents do not have the same "need-to-know" for the identity of certain Central Intelligence Agency employees, particularly those engaged in operations abroad. A considerable portion of CIA produced data is originally classified overseas. It is recommended that this section be deleted or that documents containing intelligence information be exempted.
- d. The last sentence of Section 2(i), page 8, needs clarification. If it is meant to protect information which in the opinion of a contractor should be classified, it would appear that Section 14, page 59, would apply and this sentence would then be redundant.
- e. We have no particular preference between Alternative I and Alternative II of Section 4(a), pages 13-18. In either case, sensitive intelligence and information relating to intelligence sources and methods would be protected under the "Special Categories" provisions contained in Section 4(b)(1).

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- f. The adoption of Alternative II, page 19, is recommended. The qualifying adjective "highly" in Alternative I is considered unnecessary because the word "sensitive" itself establishes a need for protection. Alternative III is already included in Section 4(b)(1)g(ii) and need not be repeated.
- g. Since both Alternatives I and II of Section 4(b)(1)g(ii), page 20, relate solely to foreign policy, we defer to the Department of State.
- h. We prefer Alternative II of Section 4(b)(3), page 22. However, it is recommended that Section 4(b)(4) be amended to read as follows: "All information and material classified pursuant to Section 4(b)(1)c of this Order shall be reviewed for declassification after 30 years from the date of its original classification if it has not earlier been declassified." This change is necessary to protect those persons, systems, plans, and projects which require protection even after 30 years.
- i. Since the proposed Executive Order will rescind Executive Order 10964, it is suggested that subparagraph Section 4(i)(1), page 26, be deleted.
- j. To protect information and material which relates to intelligence sources and methods, we most strongly urge that the following subparagraph be added to the "Retroactive Application" section of the Executive Order on page 28: "The exemption specified in Section 4(b)(1), 4(b)(1)a, and 4(b)(1)b shall apply to information or material pertaining to intelligence sources and methods or that containing sensitive intelligence which was classified under the provisions of previous Executive Orders."

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- k. To avoid misinterpretation, it is suggested that the last sentence of Section 5(k)(3), page 35, read as follows: "Failure to comply with the foregoing could result in the imposition of a fine and/or imprisonment and, in addition, in the case of government personnel, dismissal or other disciplinary action."
  - l. We prefer Alternative I of Section 8(b), page 46, since the publication of Alternative II would cast official doubt on the effectiveness of the President's anti-hijacking program. In any case, heads of departments and agencies can regulate such travel if and when they deem it advisable.
  - m. Alternative III of Section 10(d), page 55, is preferred because the committee envisioned under Alternatives I and II would be so large as to be unmanageable. However, the responsibility of the committee as set forth in Alternative I appears to be more realistic than in the other alternatives. We have no choice as to whether the chairman of the committee be a member of the executive branch or the President's staff.
  - n. It is noted that Section 11 is missing from the draft.
  - o. Section 15B is obviously in error and not intended to be a part of the Executive Order.
  - p. Two minor errors have been noted. In the last sentence of the preamble the word "invested" should be "vested." In Section 1(b), line 3, page 2A, between the words "on" and "important" there should be added the word "jeopardizing" or the word "endangering."
2. Please advise if we can be of any further assistance in this effort.

*Signed*

W. E. Colby  
Executive Director-Comptroller

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of Executive Order 10501--NSSM 113

ORIGINATOR:

FOIAb3b



Howard T. Osborn  
Director of Security

19 JAN 1972

Date

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of Executive Order 10501--NSPM 113

CONCURRENCE:

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1 8 JAN 1972

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Deputy to the DCI for  
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1 8 JAN 1972

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1 8 JAN 1972

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1 8 JAN 1972

Thomas H. Karamessines  
Deputy Director  
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Date

\*Concur with reservations.

S I G N E D Please see attached  
page.

1 8 JAN 1972

Edward W. Proctor  
Deputy Director  
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Date

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SUBJECT: Security Classification Procedures: Draft Revision  
of Executive Order 10501--NSSM 113

CONCURRENCE: (Cont.)

SIGNED

FOIAb3b

18 JAN 1972

*for* John W. Coffey  
Deputy Director  
for Support

Date

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